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Attn: Office of Petitions
United States Patent and Trademark Office
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Date of Deposit: April 18, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Office of Petitions, Assistant Commissioner for Patents, Washington, D.C. 20231

Type or Print Name: Cheryl A. Gibson

Signature: *Cheryl A. Gibson*

Re: Applicant(s): Holmberg, et al.
Serial No. 09/751,158
Filing Date: December 27, 2000
For: A TAMP PAD
Docket No.: 34650-00550USD1

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OFFICE OF PETITIONS

Dear Sir:

Transmitted for filing with the Patent and Trademark Office are the following documents for the above-referenced patent application:

1. Petition to Withdraw Holding of Abandonment, with Declarations of Ross T. Robinson and Susan J. Williams; *(in duplicate)*
2. Postcard acknowledgment

Please address all communications related to this to:

Stanley R. Moore
Jenkins & Gilchrist, P.C.
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2799

In the event there is an under or over payment, please debit or credit our Deposit Account #10-0447. This letter is being filed in duplicate to facilitate processing.

Respectfully submitted,

Ross T. Robinson
Ross T. Robinson
Registration No. 47,031

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Docket No. 34650-550USD1
P11204US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Holmberg, et al.

Serial No.: 09/751,158

Filed: December 27, 2000

For: A TAMP PAD

Examiner: Kevin D. Williams

Group Art Unit: 2854

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Type or Print Name: Cheryl A. Gibson
Signature: <i>Cheryl A. Gibson</i>

PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO MPEP 711.03(c) I and II OR, IN THE ALTERNATIVE, PETITION TO REVIVE UNINTENTIONALLY OR UNAVOIDABLY ABANDONED APPLICATION, OR, IN THE ALTERNATIVE, PETITION TO WAIVE THE RULES UNDER 37 CFR 1.183

Dear Sir:

Applicant hereby petitions for withdrawal of a holding of abandonment as reflected in a telephone call from Examiner Kevin Williams on or about March 20, 2003 in the above-referenced application for patent ("the application"). The basis for this holding of abandonment was an alleged failure by Applicant to timely respond to an Office Action dated August 14, 2002 ("the Office Action").

Applicant hereby submits the following evidence:

1. A Declaration of Ross T. Robinson regarding non-receipt of the Office Action; and
2. A Declaration of Susan J. Williams regarding non-receipt of the Office Action.

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On or about March 20, 2003, Ross T. Robinson spoke via telephone with Examiner Kevin Williams of the United States Patent & Trademark Office ("USPTO").¹ Examiner Williams inquired of Mr. Robinson whether the application had been intentionally abandoned and informed Mr. Robinson that the USPTO had not received a response to the Office Action.² Mr. Robinson informed Examiner Williams that the application had not been intentionally abandoned and that the Office Action did not appear to have been received by Jenkins & Gilchrist.³ Subsequent to the telephone conversation of on or about March 20, 2003 between Examiner Williams and Mr. Robinson, Examiner Williams sent a courtesy copy of the Office Action to Mr. Robinson.⁴

A search of the file jacket and docket record for the application do not indicate that the Office Action was ever received by Applicant's representative.⁵ Had the Office Action been received and docketed, the Office Action would have been entered in Applicant's representative's docket system as having been mailed on August 14, 2002, a response date of November 14, 2002 would have been entered in the docketing system, and one-month, two-month, and three-month extension dates of December 14, 2002, January 14, 2003, and February 14, 2003 would have been entered in the docketing system.⁶ No such entries are present for the application.⁷

¹ See Declaration of Ross T. Robinson.

² Id.

³ Id.

⁴ Id.

⁵ See Declaration of Ross T. Robinson, Declaration of Susan J. Williams.

⁶ Id.

⁷ Id.

In view of the foregoing, Applicant respectfully requests withdrawal of the holding of abandonment. Applicant also respectfully requests that a copy of the Office Action dated August 14, 2002 be immediately forwarded to the undersigned and that the period for reply to the Office Action be re-started.

As an alternative, Applicant petitions to revive the application under the standards of either unavoidable and/or unintentional abandonment. Applicant is doing so solely as a fall-back position. Applicant's primary relief is sought under the provision of 37 CFR 1.181 with respect to the non-receipt of mail and the procedures set forth in MPEP 711.03(c) by the USPTO. If, for some reason, the Petition to Withdraw the Holding of Abandonment is denied, Applicant conditionally makes this Petition to Revive under the unavoidable standard.

In the event that the Petition to Revive under the unavoidable standard is denied, Applicant conditionally makes this Petition to Revive under the unintentional standard. All appropriate fees for any of the Petition(s) made herein can be taken from Deposit Account No. 10-0447. Applicant respectfully submits that the Petition to Revive the application under either the standard of unavoidability or unintentionality should be granted based upon the evidence and arguments submitted herein. Applicant respectfully submits that the entire delay in filing the required reply to the Office Action from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional and that it is believed that Applicant has acted diligently.

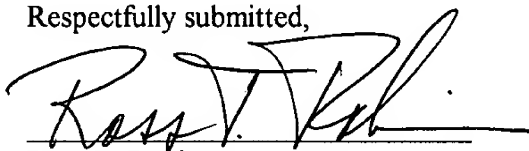
Applicant further respectfully requests and petitions the Commissioner to exercise the Commissioner's authority to waive any and all rules under the provisions of 37 CFR 1.183 as necessary to revive the status of this Application as it would have been prior to the mailing of the Office Action, to

forward a copy of the Office Action dated August 14, 2002, to restart the period of response to the Office Action, and to promptly notify Applicant of the decision on the Petitions made herein.

Any fees required to be submitted in connection with a petition under 37 CFR 1.183 may be debited from Applicant's representative's Deposit Account No. 10-0447. This Petition is being submitted in duplicate. Upon receipt of the Office Action dated August 14, 2002, Applicant's representative will endeavor to respond to the Office Action as soon as possible.

It is not believed that any fees are due in connection herewith. However, should it be determined that any fees are required, the USPTO is authorized to charge any fees necessary for the processing of these Petition(s) and related papers to Deposit Account No. 10-0447.

Respectfully submitted,



Ross T. Robinson
Reg. No. 47,031

Date: April 18, 2003

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